

Local Government Employee-Management Relations Board E-Newsletter

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On the Horizon

The next meeting of the Board will be held on Tuesday, July 14th through Thursday, July 16th in Las Vegas. The agenda for this meeting will be issued on July 6th. The Board will conduct two hearings at this meeting. The first is A1-046130, SEIU, Local 1107 v. Clark County, which alleges that the head of the Department of Family Services retaliated against a number of employees who signed a petition complaining about working and safety conditions during town hall meetings.

The second case is 2015-006, Clark County School District v. Clark County Education Association. In this case the school district alleges that the teachers' union made unilateral changes to its health trust and thereafter refused to provide information to the school district that was requested. State law requires that failure to provide information cases be heard on an expedited schedule, which is why this case has moved near the top of the queue.

Recent Decisions

*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request. The Board issued several notable decisions this month:

A1-046108; Las Vegas City Employees Association and Val Sharp v. City of Las Vegas. Val Sharp was a former President of the LVCEA and at the time of the incidents in question was a representative for that union. He was assigned to represent two painters who worked for the City. In meeting with them he inquired about the person who had complained about them. In inquiring about that third party, he asked about the third party's sexual orientation, whether she was fat, whether she was a deaf/mute and whether she grunted to communicate. Apparently the painters were offended by the questions and reported Sharp's actions to the City, who initially did nothing because Sharp had been acting in his capacity as a representative.

In bringing the situation to the union's attention, to see if it would act, the current President stated to Human Resources "you guys need to take care of it" and "you need to do what you need to do to address the issue." The City thereupon suspended Sharp for one day. This was followed by the union and Sharp filing a prohibited practice complaint, alleging that the City had interfered in internal union business.

In this opinion the Board found that the City had not committed a prohibited practice and that it did not interfere in the union's internal administration because the City's actions were prompted by the union's invitation for the City to discipline Sharp. The Board specifically made no findings on the issue of whether the City's actions would have been permissible in the absence of the Association's invitation.

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Update on Regulations

On May 27th the EMRB held a workshop on proposed changes to the agency's election regulations. The proposed changes do two things. First, they would define the standard for determining the prevailing party in an election by defining the standard to be a majority of the votes cast. Secondly, the proposed regulation would shift the cost of the election from the EMRB itself to the unions participating in the election.

Subsequent to the workshop the Board on June 10th decided to choose the cost option in which each union involved in an election would pay an equal percentage of the costs and that those costs would be advanced to the EMRB prior to the election being held. The proposed language has now been sent to the Legislative Counsel Bureau, who will review and modify the language. Once the LCB version has been received back, the EMRB will then schedule a subsequent workshop, followed by a public hearing held by the Board. If and when the regulation is adopted by the Board it would then need approval by the Legislative Commission.

As you may recall, the EMRB had also put into place last February a temporary regulation to allow the e-filing of documents, to allow the Commissioner to approve stipulations to extend time, and other matters. The LCB has now sent us its version of that regulation. The EMRB will be converting this temporary regulation into a permanent one by conducting a workshop on the same day that the workshop will be held for the elections regulation, followed by a public hearing and approval by the Legislative Commission. We will issue the formal notice for the two workshops once we receive the language for the elections regulation back from the LCB.

Did you know

that when the Board renders a decision after holding a hearing that there is quite the process of getting the news out about the decision? We post a copy of the order on our website, both in the list of orders as well as on the home page under Recent Decisions. We also notify Lexis and Westlaw of the decision. A summary of the order is then placed in this newsletter. That summary is also sent to a liaison at the State Bar of Nevada, so that the summary can be placed in that agency's Labor and Employment Law newsletter. In special occasions the EMRB may even issue a press release. As we move forward, before any decision assigned an item number is released, the Commissioner will first personally contact the attorneys of record on the case so that they will be the first to know of the decision and so that they will have an opportunity to personally contact their clients before the "news hits the street."

Legislative Update

In the past couple weeks the EMRB has issued a series of 9 e-mails to everyone on our e-newsletter mailing list, notifying them of the 9 bills that the Governor has signed into law affecting collective bargaining between local governments and their employee organizations. A text of each new law was attached to each of these e-mails.

Five of these bills only affect various types of schools. These bills include (1) AB 394, the Clark County School District deconsolidation bill; (2) AB 448, which affects transfer rights of school personnel at Achievement schools; (3) AB 483, which provides for a pool of money for schools for performance pay and exempts that from collective bargaining; (4) SB 92, which affects layoff rights of school personnel in certain schools; and (5) SB 509, which has provisions affecting personnel at reconstituted charter schools.

Then there are four more general bills: (1) AB 54, which allows for certain local governments to be designated as in a state of severe financial emergency and the reopening of CBA's; (2) SB 158, which requires the posting of proposed CBA's and supporting materials prior to adoption; (3) SB 168, which specifies triggers to reopen a multi-year CBA and also provides for a 25% fund balance not subject to negotiations; and (4) SB 241, which has many features affecting collective bargaining.

As mentioned in the e-mails any description of the content of the bills is not meant to be legal advice but only as a short summary so that you can first be alerted to the existence of the bill and to then appreciate the breadth and scope of a given bill. We cannot begin to emphasize enough that all local governments and employee organizations seeking a meaning of a given bill should seek out the advice of legal counsel for direction on how to comply with the new laws, including any rights you may have under those laws, as well as any obligations you may have. Please call our office if you would like another copy of the text of these bills.

In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

The Board will hear two cases in Las Vegas in July: A1-046130, SEIU, Local 1107 v. Clark County and 2015-006, Clark County School District v. Clark County Education Association and Teachers' Health Trust.

On August 18-20 the Board will hear A1-046133, SEIU, Local 1107 v. Southern Nevada Regional Housing Authority.

Finally, the Board will hear three cases on September 15-17, with each case taking one day: A1-046138, Education Support Employees Association v. Clark County School District; A1-046119, Shannon D'Ambrosio v. Las Vegas Metropolitan Police Department; and A1-045847 through A1-056864, Deborah Boland et al. v. SEIU, Local 1107.

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard:

In Las Vegas:

A1-046120, IAFF, Local 1908 v. Clark County

2015-001, Bramby Tollen v. Clark County Association of School Administrators et al.

Annual Invoices to Be Issued June 19th

This is a message to all our local governments. The EMRB will be mailing invoices to each of the local governments this Friday, June 19th. Payments are due no later than July 31st. As mentioned in last month's newsletter, the annual assessment rate will remain at \$6.75 per employee. This is the third year in a row that the rate has been at this amount. So watch for your invoice in the mail! If your local government needs additional time due to your board needing to first approve the payment before it can be mailed, please call our office and we can make arrangements. However, you need to call when you receive the invoice and not after July 31st! Pursuant to state law the EMRB is self-funded. So we want to thank all the local governments beforehand for supplying the EMRB with its needed funds!

Collective Bargaining Agreements Now on Website

The EMRB has now finished uploading more than 200 current collective bargaining agreements onto our website, now making them readily accessible to both you and the public. They are categorized into the main categories of school districts, police, fire, counties, cities and special districts. Each of these categories is then further subdivided so that similar collective bargaining agreements appear next to each other. For example, under schools, the collective bargaining agreements have been subdivided into teacher contracts, support staff contracts, and administrative/professional contracts. Please see the link on the bottom of our home page.

"About the EMRB"

The Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between local governments and their employee organizations (i.e., unions), provides support in the process, and resolves disputes between local governments, employee organizations, and individual employees as they arise.